THE HON'BLE MR JUSTICE GODA RAGHURAM

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WRIT PETITION NO : 17197 of 2005

DATED: 26-10-2005

Between:

Eastern Power Distribution Co.of A.P. .. Petitioner

And

The Commissioner of Labour

Govt. of A.P.,Ambedkar Bhavan, Hyd. And others

… Respondents

ORDER:

By proceedings dated 19.07.2005, the Conciliation Officer and Assistant Commissioner of Labour Rajahmundry in Conciliation Proceedings in relation to disputes between the Eastern Power distribution Company of Andhra Pradesh and the Workman in the 33/11kv sub-station regarding the issue whether the system of work in which the workmen are engaged constitutes core activity of the establishment and comes within the matrix of the Contract Labour (Regulation and Abolition) Act, 1970 and while adjourning the conciliation proceedings requested the management to maintain status-quo in respect of the service of the workers during the conciliation proceedings. Aggrieved thereby the writ petition is filed.

The singular point urged on behalf of the petitioner-the Eastern Power Distribution Company of Andhra Pradesh is that the Conciliation Authority has

no power, authority or jurisdiction to direct status-quo with regard to the services of the workman to be maintained pending the conciliation proceedings.

Section 33 of the Industrial Tribunal Act, 1947 ordains that during the pendency of conciliation proceeding before a Conciliation Officer or Board or any proceeding before a Labour Court or a Tribunal or National Tribunal in respect of an industrial dispute, no employer shall- (a) in regard to any matter connected with the dispute, alter, to the prejudice of the workman concerned in such dispute, the conditions of service applicable to the workmen immediately before the commencement of such proceedings, save with the express permission in written of the authority before which the proceeding is pending. Certain exceptions are specified out to this legislative mandate in the provisions itself.

The order of the Conciliation Officer impugned in this writ petition is merely a reiteration of the statutory position. The order, therefore, does not in any way prejudice the petitioner or constitute an independent exercise of discretion which obligates writ petitioner to act in a manner which he otherwise was at a discretion not to act. Under the legislative mandate under Section 33 of the Act the employer is obligated to maintain the conditions of service applicable to the workmen as existed immediately prior to the commencement of the Conciliation Proceedings and this is what the Conciliation Officer has pointed out.

This Court finds no error in the order of the Conciliation Officer, which warrants interference. Writ petitioner suffers no prejudice by the order of status quo directed by the Conciliation Officer. The order is in perfect harmony with the legislative mandate under Section 33 of the Act. There are no merits in the writ petition.

The writ petition is accordingly dismissed. The interim order dated 04.08.2005 stands dissolved.

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26-10-2005

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